

LANGLER SIFFERT & WOHL LLP  
ATTORNEYS AT LAW

500 FIFTH AVENUE  
NEW YORK, N.Y. 10110-3398  
WWW.LSWLAW.COM

TELEPHONE (212) 921-8399  
TELEFAX (212) 764-3701

December 11, 2017

**BY ECF:**

Honorable Valerie E. Caproni  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: United States v. Percoco, et al., S2 16 Cr. 776 (VEC)**

Dear Judge Caproni:

We represent Peter Galbraith Kelly, Jr., in the above-captioned matter and write in regard to the Government's proposal that the Court orally refer to our client as "Peter Galbraith Kelly, Jr., a/k/a 'Braith'" in the voir dire that will be read to prospective jurors. (Doc. No. 378, at 1).

The use of the "a/k/a" formulation serves no valid purpose and will prejudice Mr. Kelly. "Braith" is a contraction of Mr. Kelly's middle name, "Galbraith," and it is the nickname he has gone by since childhood, to avoid being confused with his father. It is undisputed that those who know Mr. Kelly know him as "Braith Kelly." The "a/k/a" formulation—which suggests that "Braith" is a street name or alias—is unnecessary and unfair. The suggestion that "Braith" is an alias for Mr. Kelly is equivalent to saying that "Dan" is an alias for "Daniel" or "Matt" is an alias for "Matthew."

December 11, 2017

Page 2

Accordingly, we respectfully ask the Court to strike “a/k/a ‘Braith’” from documents related to this case, including the caption of the Indictment. To the extent it is appropriate to remind the jury that Mr. Kelly goes by “Braith Kelly,” we would ask that the Court use a neutral formulation like “Peter Galbraith Kelly, Jr., who goes by the nickname ‘Braith’.”

Respectfully submitted,

LANGLER SIFFERT & WOHL LLP

By:           /s/ Daniel M. Gitner          

Daniel M. Gitner  
Jun Xiang

CC:

All Counsel (Via ECF)